IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 452 of 2007 (M/S)

Shri Radhey Shyam Shethi, S/O Late Shri Nanak Chand Shethi, 42-Dispensary Road, Dehradun.

....Petitioner.

Versus

1. Civil Judge (Senior Division) Dehradun and ten others.

…..Respondents.

Sri Ashok Aggarwal & Mr. Niranjan Bhatt, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, Brief Holder for the State, learned counsel for the respondent no.1.

Dated May 17, 2007.

Hon'ble B.S.Verma, J.

The only prayer made in this writ petition is that the respondent no. 1 be directed to decide the Civil Suit No. 458 of 2003, Radhey Shyam Shethi Vs. Luxmi Chand Shethi and others pending in that court with the allegations that the petitioner filed a partition suit in the court of Civil Judge (Senior Division) Dehradun which was registered as Original Suit No. 458 of 2003 Radhey Shyam Shethi Vs. Shri Luxmi Chand Shethi and others. The defendant-respondent no. 2 has already filed his written statement in the suit and the petitioner has filed replication in the suit, a copy of which is annexed as Annexure No.3. Issues were framed in the suit on 3-11-2006. The defendant no.1 is not interested in the speedy decision of the suit and he is adopting dilatory tactics to prolong the proceedings. The petitioner is said to be a senior citizen.

In the facts and circumstances coupled with the fact that the partition suit is pending since 2003 and that the petitioner is an old person, it will be in the fitness of things to direct the Civil Judge (Senior Division) Dehradun to decide the Civil Suit No. 458 of 2003 expeditiously.

Accordingly, the Civil Judge (Senior Division) Dehradun is directed to decide Civil Suit No. 458 of 2003, Radhey Shyam Shethi Vs. Luxmi Chand Shethi and others, expeditiously, as far as possible. Both the parties shall co-operate in the speedy decision of the said suit before the trial court.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S. Verma, J.)

RCP